

## UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

**SENTENCING MINUTE SHEET**

CR No.	8-1980 WJ			USA vs.	Ochoa		
Date:	4/22/10			Name of Deft:	Sarah S Ochoa		
Before the Honorable				William P. Johnson			
Time In/Out:	2:43pm - 3:05pm			Total Time in Court (for JS10):	22 minutes		
Clerk:	R. Garcia			Court Reporter:	T. Garrett		
AUSA:	Lynn Wang			Defendant's Counsel:	Carolyn Nichols		
Sentencing in:	Albuquerque			Interpreter:	N/A		
Probation Officer:	L. Garcia and V. Yazzie			Sworn?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
Convicted on:	<input checked="" type="checkbox"/>	Plea	<input type="checkbox"/>	Verdict	As to:	<input type="checkbox"/> Information	<input checked="" type="checkbox"/> Superseding Indictment
If Plea:	<input checked="" type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	Adjudged/Found Guilty on Counts:	2	
If Plea Agreement:	<input checked="" type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	No Plea Agreement	Comments: 11(c)(1)(C)	
Date of Plea/Verdict:	12/11/09			PSR:	<input checked="" type="checkbox"/>	Not Disputed	<input type="checkbox"/> Disputed
PSR:	<input checked="" type="checkbox"/>	Court Adopts PSR Findings			Evidentiary Hearing:	<input checked="" type="checkbox"/>	Not Needed <input type="checkbox"/> Needed
Exceptions to PSR:							
<b>SENTENCE IMPOSED</b>				Imprisonment (BOP): 96 months as to Count 2			
Supervised Release:	5 years			Probation:	<input type="checkbox"/>	Mental health treatment program	
<b>SPECIAL CONDITIONS OF SUPERVISION</b>							
<input type="checkbox"/>	No re-entry without legal authorization			<input type="checkbox"/>	Home confinement for _____ months _____ days		
<input type="checkbox"/>	Comply with ICE laws and regulations			<input type="checkbox"/>	Community service for _____ months _____ days		
<input type="checkbox"/>	ICE to begin removal immediately or during sentence			<input type="checkbox"/>	Reside halfway house _____ months _____ days		
<input checked="" type="checkbox"/>	Participate in substance abuse program/drug testing			<input type="checkbox"/>	Register as sex offender		
<input checked="" type="checkbox"/>	Participate in mental health program			<input type="checkbox"/>	Participate in sex offender treatment program		
<input type="checkbox"/>	No alcohol/liquor establishments			<input type="checkbox"/>	Possess no sexual material		
<input checked="" type="checkbox"/>	Submit to search of person/property			<input type="checkbox"/>	No computer with access to online services		
<input checked="" type="checkbox"/>	No contact with victim			<input type="checkbox"/>	No contact with children under 18 years		
<input type="checkbox"/>	No entering, or loitering near, victim's residence			<input type="checkbox"/>	No volunteering where children supervised		
<input checked="" type="checkbox"/>	Provide financial information			<input type="checkbox"/>	Restricted from occupation with access to children		
<input type="checkbox"/>	Grant limited waiver of confidentiality			<input type="checkbox"/>	No loitering within 100 feet of school yards		
<input checked="" type="checkbox"/>	OTHER: Deft will submit to DNA collection.						
<input checked="" type="checkbox"/>	Shall not possess, have under control or have access to any firearm, ammunition, explosive device or other dangerous weapons.						
<input checked="" type="checkbox"/>	Will be prohibited from incurring new credit charges, opening additional lines of credit or negotiating or consummating any financial contracts without prior approval.						
<input checked="" type="checkbox"/>	No consulting or employment w/financial institution.						

Fine: \$	0.00	Restitution: \$	<b>\$29,281.15: 21,281.15 to Marilyn Foss; \$8000.00 to Los Alamos National Bank at \$80. a month; that monthly payment may be adjusted upon release from custod, depending on Defendant's financial circumstances; the court waives any interest; Court orders that the Defendant cooperate to turn over to Government those items identified in paragraph 116 of the PSR w/in 10 days; the Court notes it has 90 days to review matters concerning restitutions issues, and the Government or Defense Counsel can bring matters to the Court's attention; the Court finds that the victim should be paid first.</b>			
SPA: \$	100.00 (\$100 as to each Count)	Payment Schedule:	<input checked="" type="checkbox"/>	Due Imm.	<input type="checkbox"/>	Waived
OTHER:						
<input type="checkbox"/>	Advised of Right to Appeal	<input checked="" type="checkbox"/>	Waived Appeal Rights per Plea Agreement			
<input checked="" type="checkbox"/>	Held in Custody	<input type="checkbox"/>	Voluntary Surrender			
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration:	SPC Phoenix, AZ; if she does not qualify for an SPC facility, the Defendant requests FCI Dublin, CA				
<input checked="" type="checkbox"/>	Dismissed Counts:	Court grants dismissal of Count 1				
OTHER COMMENTS		USA informs the Court that the victim chooses not to addresses the Court today. Ms. Nichols addresses the Court. USA addresses the Court and recommends any FCI facility that provides educational/vocational programs. Court addresses restitution w/Ms. Nichols. Ms. Nichols does not have any objection to restitution as stated in the PSR. USA would ask the Court to honor the amount as stated in the PSR and requests that certain assets (money account and vehicle) in possession of the Defendant be turned over to the Court upon order of restitution pending the sale of such item(s), and any proceeds from the sale of such item(s) be turned over to U.S. for payment to the victim(s). Ms. Nichols notes arrangements have been made to provide power of attorney to her client's mother so as to be able to liquidate assets. The Court will enter restitution as recommended by Probation and notes it has 90 days to reconsider any restitution issues; the Court directs Ms. Wang to confer w/counterparts at the U.S. Attorney's Office and advise the Court if any further order will be needed regarding any restitution issue. Ms. Nichols notes she will work w/USA regarding liquidation of assets. Court accepts plea pursuant to Rule 11(c)(1)(C).				